IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 3802 of 2007

Shri Rama Nana Patil ..Petitioner

vs.

1. Shri Mahadev Nana Patil
and others ..Respondents

Shri A.B.Borkar for petitioner.

CORAM: S.C.DHARMADHIKARI J.
11th **July, 2007**

P.C.

1. By this petition under Article 227 of the Constitution of India, the petitioner is challenging the order dated 18th September, 2006 passed by the Ad-hoc District Judge, Kolhapur in Special Darkhast No.5 of 1988.

2. The only contention raised before me by Shri Borkar is that the petitioner has all through out contested the proceedings right upto this Court and that is how the compensation was awarded when the lands were acquired under the Land Acquisition Act, 1894. There is a power of attorney executed in favour of the petitioner which entitles the petitioner to claim all expenses which have been incurred by him for the litigation. Disallowing that claim was not permissible and the order to the extent it disallows the same is vitiated by an error apparent on the face of record and requires interference under Article 227

of the Constitution of India.

3. It is not possible to accept this contention for more than one reason.

4. The Trial Court in paras 5 and 6 of the impugned order has assigned cogent and satisfactory reasons for disallowing the claim in as much as apart from the oral testimony of the decree holder/petitioner there is nothing brought on record to claim litigation expenses. The alleged sum (Rs.2,50,000) incurred for the purpose of litigation right upto this Court is being claimed without producing any documents with regard to the expenses.

5. It is in these circumstances that it is not possible to interfere in this Court's limited jurisdiction under Article 227 of the Constitution of India. This is not a court of further appeal and, therefore, reappreciation and re-appraisal of the material is impermissible. The petition is summarily dismissed.

(S.C.DHARMADHIKARI J.)